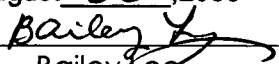


Patent Docket P1995R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of Fong et al. Serial No.: 10/533,416 ✓ Filed: April 28, 2005</p>	<p>Group Art Unit: Not Yet Assigned Examiner: Not Yet Assigned Confirmation No: Not Yet Assigned CUSTOMER NO: 09157</p>
<p>For: COMPOSITION AND METHODS FOR THE TREATMENT OF NATURAL KILLER CELL RELATED DISEASES</p>	<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 22, 2005  Bailey Lee</p>

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

☒ **37 CFR § 1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR § 1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR § 1.114.

☐ **37 CFR § 1.97(c)**

- by the applicant after the period specified in 37 CFR § 1.97(b), but prior to the mailing date of any of a final action under 37 CFR § 1.113, or a notice of

allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

☐ **37 CFR §1.97(d)**

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) and/or publication(s) is set forth on the attached revised Form PTO-1449. Copies of the items listed on the PTO-1449 form are supplied herewith, except for United States patent(s) and United States patent application publication(s) and other documents that are marked with an asterisk (*) in the attached PTO-1449 form. Copies of United States patents and United States patent application publications will not be supplied unless requested by the Office [37 CFR §1.98(a)(2)(ii)]. See Final Rule **1287 OG** (October 12, 2004). Other documents cited with an asterisk have not been supplied because they were previously cited by or submitted to the Office in prior application Serial No. FIELD(Parent SN), filed FIELD(Parent Date) and benefit from the prior application is claimed in this application under 35 U.S.C §120. However, copies of any cited

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document will be provided in its entirety at the request of the Office.

A concise explanation of relevance of the items listed on PTO-1449 is:

☒ not given

☐ given for each listed item

☐ given for only non-English language listed item(s) [Required]

☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR § 1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR § 1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC

Date: August 22, 2005

By: 

David A. Carpenter

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FORM PTO-1449

U.S. Dept. of Commerce
Patent and Trademark Office

Atty Docket No.

P1995R1

Serial No.

10/533416

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant

Fong Sherman et al.

Filing Date

28 Apr 2005

Group

FOREIGN PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation Yes No	
	1	WO 01/75166 A2	11.10.01	PCT				

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)

/CMW/	2	Dalbeth et al., "A subset of natural killer cells is greatly expanded within inflamed joints" <u>Arthritis Rheum.</u> 46(7):1763-1772 (Jul 2002)						
/CMW/	3	Kohler and Milstein., "Continuous Cultures of Fused Cells Secreting Antibody of Predefined Specificity" <u>Nature</u> 256:495-497 (Aug 1975)						
/CMW/	4	Wenzel et al., "Natural killer cell activity in patients with Graves' disease and Hashimoto's thyroiditis" <u>Thyroid</u> 8(11):1019-1022 (Nov 1998)						

Examiner /Cherie M. Woodward/

Date Considered 05/02/2008

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.